



**The Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Youngcraft Industries

File: B-234028

Date: May 9, 1989

DIGEST

Contracting agency's rejection of protester's lower priced proposal as technically unacceptable was not unreasonable, where the protester's proposal failed to provide sufficient--and, in some instances, any--information required by the request for proposals for technical evaluation purposes and price was not a controlling evaluation factor.

DECISION

Youngcraft Industries protests the rejection of its proposal under request for proposals (RFP) No. 09-00-8-0820, issued by the Farmers Home Administration (FmHA) for the inspection, protection, maintenance, and management services for FmHA inventory single family housing in several Florida counties. Under the RFP, offerors could propose on any or all of the counties. Youngcraft's proposal, which is the subject of this protest, was for services in Highlands County, Florida.

We deny the protest.

The RFP required that certain FmHA inventory real estate be inspected, cleaned, secured and maintained. The RFP required that offerors have recent experience in performing the type of services called for in the RFP and that offerors furnish with their proposals:

- "(1) A brief written summary of experience and qualifications of the person or firm, and all personnel [including subcontractors] expected to perform work under this contract.

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"(2) Resources and facilities available to be used . . . [which] may include supplies, equipment and personnel.

"(3) Two . . . references from individuals or firms for whom the supplier has performed the same or similar type of work."

These three categories of information also constituted the technical evaluation factors. The RFP said price was not a controlling criterion in the award selection and that award could be made to other than the lowest priced technically acceptable offeror if the technical merit of another proposal justified the additional cost. The RFP further stated that award was to be made based on the offer deemed most advantageous to the government, price and other factors considered.

Of the four offers evaluated by the technical evaluation panel for Highlands County, three were determined to be in the competitive range. The contracting officer states that Youngcraft's technical proposal (which received an overall technical score of 35 out of a possible 100 points for technical factors) was excluded from the competitive range as technically unacceptable because it did not provide the required information for technical evaluation. The contract was awarded on the basis of initial offers to the Bill Berry Construction Corporation, which received a technical score of 90 out of a possible 100 points and proposed a price of \$39,878.

Youngcraft contends that the information provided in its proposal complied with the requirements of the RFP and that it should have received the award since its proposed price of \$27,320 was lower than the awardee's.

In response to the RFP's requirements quoted above, Youngcraft's proposal stated:

"I have been a self-employed Florida State certified building contractor for 17 years. I have all the necessary resources and equipment to perform this type of work. I have contracted work with FmHA for the past 5 years. All work shall be done by myself."

It is the protester's opinion that this statement provides a brief summary of his experience and qualifications as required by the RFP. The protester also states that its proposal "did not go into [that is, provide detailed information concerning] the supplies, equipment and

personnel" to be used because under the second requirement in the RFP, those details were optional since the RFP stated this information "may" be included. The protester further maintains that he believes his statement regarding work he had performed under contract for the FmHA over the past 5 years was sufficient to fulfill the RFP's requirement for references, since, Youngcraft states, it has never received any complaints or expressions of dissatisfaction concerning its FmHA work. Youngcraft also claims that in light of the difference between its price and that of the awardee, the agency should have informed the firm of the need for additional information and allowed it an opportunity to respond in a more detailed fashion.

In reviewing an agency's evaluation and resulting determination of the merits of a technical proposal, we will not substitute our judgment for that of the procuring officials, who have a reasonable degree of discretion in evaluating proposals, since the procuring agency is responsible for defining its needs and the best method of accomplishing them. Complere, Inc., B-227832, Sept. 15, 1987, 87-2 CPD ¶ 254; Jones & Co., B-228870, Nov. 23, 1987, 87-2 CPD ¶ 509. We will, however, examine the record to determine whether the evaluation was reasonable and consistent with the criteria set forth in the RFP and whether there were any violations of federal procurement statutes and regulations. Vista Videocassette Services, Inc., B-230699, July 15, 1988, 88-2 CPD ¶ 55.

On the basis of our review of the record, we find that the evaluation of Youngcraft's proposal was reasonable. In section L-21 (Technical Proposal Preparation) of the RFP, offerors were advised that their technical proposals were to be submitted in a narrative format addressing the three previously stated technical qualification criteria. Further, the RFP stipulated that offerors must furnish the requested information with their proposals.

The brief paragraph which Youngcraft included in its proposal as a response to this requirement could hardly be considered an adequate narrative response to the qualification criteria. For example, the protester did not furnish any information concerning available resources and facilities to be used in performing the contract, but simply responded that he has "all the necessary resources and equipment." We think Youngcraft's stated belief that it was optional whether to provide a detailed response to this requirement with its proposal was not reasonable.

In addition, the protester did not provide references from individuals or firms for whom it had performed the same or similar type of work, but instead referenced, generally, its prior work with the contracting agency. Not only did Youngcraft's response here explicitly fail to conform to what the RFP required, we have consistently held that an agency's evaluation of an offeror's proposal is generally not based on the government's knowledge of the offeror's capabilities or past performance, but on the proposal as submitted. See Complere, Inc., B-227832, supra at 4. In any event, although Youngcraft did not state any specific details--for example, the nature, extent, regularity or location(s)--concerning the work it states it previously performed under contract with FmHA, the record indicates that during the conduct of technical evaluations some consideration was given to the protester's statement regarding that work. Nevertheless, that factor was not sufficient to overcome the proposal's deficiencies.

Youngcraft's technical proposal essentially constituted a blanket offer of compliance with the solicitation requirements, which we have held is insufficient to satisfy a solicitation requirement for detailed information that an agency considers necessary for evaluation purposes. Vista Videocassette Services, Inc., B-230699, supra. An offeror has the burden to submit an adequately written proposal which shows compliance with the RFP requirements, failing which the offeror runs the risk of having its proposal rejected without discussions despite its lower price, particularly where the RFP has advised offerors of the possibility of award without discussions based on initial offers. See Jones & Co., B-228870, supra; Vista Videocassette Services, Inc., B-230699, supra.

Since Youngcraft did not provide sufficient--and, in some instances, any--information required by the RFP for the evaluation of technical proposals, we find that FmHA's rejection of its proposal as technically unacceptable was reasonable and not in violation of federal procurement statutes and regulations. Moreover, since Youngcraft's proposal was reasonably eliminated from the competition as technically unacceptable, discussions need not be conducted with it regardless of its low price. Rainbow Technology, Inc., B-232589, Jan. 24, 1989, 89-1 CPD ¶ 66.

The protest is denied.


James F. Hinchman
General Counsel